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9 Attorneys for Defendant

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11 **UNITED STATES DISTRICT COURT**
12 **EASTERN DISTRICT OF CALIFORNIA**
13 **SACRAMENTO DIVISION**

14 SHELLY LEANN HALL,

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16 Plaintiff,

17 v.

18 KILOLO KIJAKAZI¹, Acting
19 Commissioner of Social Security,

20 Defendant.

Case No. 2:20-cv-2036-EFB

**STIPULATION FOR THE AWARD AND
PAYMENT OF ATTORNEY FEES AND
EXPENSES PURSUANT TO THE EQUAL
ACCESS TO JUSTICE ACT;
[PROPOSED] ORDER**

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22 IT IS HEREBY STIPULATED by and between the parties through their undersigned
23 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees and
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26 ¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021.
27 Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be
28 substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be
taken to continue this suit by reason of the last sentence of section 205(g) of the Social
Security Act, 42 U.S.C. § 405(g).

1 expenses in the amount of \$ 10,000.00 (TEN THOUSAND DOLLARS) under the Equal
2 Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation for
3 all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action,
4 in accordance with 28 U.S.C. § 2412(d).

5 After the Court issues an order for EAJA fees to Plaintiff, the government will consider
6 the matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to *Astrue v. Ratliff*, 560
7 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will
8 depend on whether the fees are subject to any offset allowed under the United States
9 Department of the Treasury's Offset Program. After the order for EAJA fees is entered, the
10 government will determine whether they are subject to any offset.

11 Fees shall be made payable to Plaintiff, but if the Department of the Treasury
12 determines that Plaintiff does not owe a federal debt, then the government shall cause the
13 payment of fees, expenses and costs to be made directly to Counsel, pursuant to the
14 assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's
15 counsel.

16 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
17 attorney fees, and does not constitute an admission of liability on the part of Defendant under
18 the EAJA or otherwise. Payment of the agreed amount shall constitute a complete release
19 from, and bar to, any and all claims that Plaintiff and/or Counsel including Counsel's firm
20 may have relating to EAJA attorney fees in connection with this action.

21 This award is without prejudice to the rights of Counsel and/or Counsel's firm to seek
22 Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause
23 provisions of the EAJA.
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Respectfully submitted,

Dated: August 4, 2022

/s/ Robert Weems

ROBERT WEEMS

Attorney for Plaintiff

(authorized by email on 8/4/22)

Dated: August 4, 2022

PHILLIP A. TALBERT

United States Attorney

PETER K. THOMPSON

Acting Regional Chief Counsel, Region IX

Social Security Administration

By: Sathya Oum

SATHYA OUM


Special Assistant U.S. Attorney

Attorneys for Defendant

[PROPOSED] ORDER

Based upon the parties’ Stipulation for the Award and Payment of Equal Access to Justice Act Fees and Expenses, **IT IS ORDERED** that fees in the amount of \$10,000.00 as authorized by 28 U.S.C. § 2412 be awarded subject to the terms of the Stipulation.

DATE: August 4, 2022.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE